

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants - Revenue Department - Allegation of misappropriation of Government funds to a tune of Rs.90,417.13 ps. by Sri K.Sayanna, formerly Junior Assistant, O/o the Tahsildar, Zaheerabad, Medak District - Dismissal from service -O.A.No.3053/98 filed before the Hon'ble A.P.A.T. - Orders of the District Collector, Medak set-aside - Appeal filed before the Hon'ble High Court of Andhra Pradesh in W.P.No.11547/2002 - Orders of the Hon'ble High Court Dt.21.10.2003 - Case entrusted to the Tribunal for Disciplinary Proceedings (TDP) - TDP Report received in TEC No.19/2010 - Further action dropped - Orders - Issued.

REVENUE (VIGILANCE-VII(2) DEPARTMENT

G.O.Ms.No. 585.

Dated:26.05.2011

Read the following:

1. From the District Collector, Medak District, Proceedings No.A3/6731/84, Dt.03.04.1986.
2. From the A.P.A.T. orders dt.10.12.2002 in O.A.No.3053/98.
3. From the High Court of A.P. orders dt.21.10.2003 in WP No.11547/2002.
4. Govt.Memo.No.54684/Vig.VII(2)/2001-10, Dt.30.10.2004.
5. From the Secretary, T.D.P., Letter Dis.No.S/30/2010, Dt:25-11-2010 together with the report in T.E.C.No.19 of 2010, Dt.19-11-2010.

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ORDER:-

In the reference 1st read above, the District Collector, Medak District has dismissed Sri K.Sayanna, formerly Junior Assistant, O/o the Tahsildar, Zaheerabad, Medak District from service on the charges of unauthorized absence from duty and also not handing over charge of the accounts seat and also on grounds of misappropriation of public funds.

2. Aggrieved by the said orders, Sri K.Sayanna, formerly Junior Assistant filed an appeal petition before the Chief Commissioner of Land Administration, Hyderabad stating that the District Collector has no jurisdiction to dismiss him from service. The Chief Commissioner of Land Administration has requested the District Collector, Medak to conduct a fresh enquiry. However, the District Collector, Medak instead of conducting fresh enquiry, has referred the case to the Government to entrust the enquiry to the Tribunal for Disciplinary Proceedings (TDP) under rule 4 (2) of the A.P.Civil Services (TDP) Rules, 1961 and also informed the same position to the Chief Commissioner of Land Administration to dispose off the appeal petition filed by the delinquent officer.

3. Further, the delinquent officer has also filed an O.A.No.3053/98 before the Hon'ble Andhra Pradesh Administrative Tribunal and the Hon'ble A.P. Administrative Tribunal, in its order dt.10.12.2002 among certain observations has set-aside the orders of the District Collector, Medak and the Chief Commissioner of Land Administration on technical grounds through the reference 2nd read above.

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4. Based on the Hon'ble A.P.Administrative Tribunal orders dt.10.12.2002 in O.A.No.3053/98, the delinquent officer Sri K.Sayanna, formerly Junior Assistant, has submitted representation before the District Collector, Medak for his reinstatement into service. Thereupon, the District Collector, Medak and the Chief Commissioner of Land Administration, Hyderabad have sought clarification from the Government for reinstatement of the delinquent officer. Government, after careful examination of the entire matter, have decided to file an appeal before the Hon'ble High Court against the orders of the Hon'ble A.P.Administrative Tribunal, Hyderabad and directed the District Collector, Medak, accordingly. Based on the Government instructions, the District Collector, Medak has filed an appeal petition before the Hon'ble High Court in W.P.No.11547/2002.

5. In the reference 3rd read above, the Hon'ble High Court in its orders dt.21.10.2003, while dismissing the W.P.No.11547/2002, has observed that "the matter has to be necessarily referred to the Tribunal for Disciplinary Proceedings for its enquiry. However, the Hon'ble High Court has observed that it is open to the Government to take appropriate action in accordance with law.

6. Government, after careful examination of the entire matter, keeping in view the orders of the Hon'ble High Court dt.21.10.2003, under rule 3 of the Andhra Pradesh Civil Services (Tribunal for Disciplinary Proceedings) Rules, 1989 read-with section 4 of the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960, has placed Sri K.Sayanna, formerly Junior Assistant, Zaheerabad, Medak District on his defence before the Tribunal for Disciplinary Proceedings for conducting enquiry into the misconduct reported by the District Collector, Medak through the reference 4th read above.

7. After conducting enquiry, the Secretary, Tribunal for Disciplinary Proceedings vide his letter 25.11.2010 has furnished Inquiry Report into the alleged misconduct against Sri K.Sayanna, formerly Junior Assistant, O/o the Tahsildar, Zaheerabad Mandal, Medak District in TEC No.19/2010 stating that there is no documentary evidence available on record to show that the charged officer is guilty of the charges and the material piece of oral evidence do not substantiate that the charged officer is guilty of the charges framed against him. Hence, the Tribunal for Disciplinary Proceedings (TDP) in their findings has stated that the charged officer is found not guilty of all the charges 1 to 5 framed against him under rule 3 of the A.P.Civil Service (Conduct) Rules, 1964 read-with rule 2 (b) of the A.P.Civil Service (Disciplinary Proceedings Tribunal) Rules, 1989 framed under the A.P.Civil Services (Disciplinary Proceedings Tribunal) Act, 1960 as amended in 1993.

8. Government, after careful examination of the entire matter, keeping in view the findings of the Tribunal for Disciplinary Proceedings in TEC No.19/2010 have decided to drop further action against Sri K.Sayanna, formerly Junior Assistant, O/o the Tahsildar, Zaheerabad Mandal, Medak District and exonerate him from the charges.

9. Accordingly, Government hereby drop further action against Sri K.Sayanna, formerly Junior Assistant, O/o the Tahsildar, Zaheerabad Mandal, Medak District and exonerate him from the charges.

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10. The District Collector, Medak at Sangareddy / Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad shall take further necessary action accordingly and furnish compliance report to Government immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, Medak District at **Sangareddy**.
The Chief Commissioner of Land Administration, Andhra Pradesh, **Hyderabad**.
Copy to:-
The Individual **through** the District Collector, Medak District at **Sangareddy**.
The Accountant General, Andhra Pradesh, **Hyderabad**.
The District Treasury Officer, Medak District at **Sangareddy**.
The Government Pleader for Revenue (S), A.P.Administrative Tribunal,
Hyderabad (He is requested to appraise the position to the Hon'ble A.P.A.T.
w.r.t. the orders of the Hon'ble A.P.A.T. Dt.29.04.2011 in OA No.2804/2011)
The Government Pleader for Services-II, High Court of Andhra Pradesh,
High Court Buildings, Hyderabad.
Sf/Sc.

// FORWARDED :: BY ORDER //

SECTION OFFICER